

Applicant	Harbordale Development, LLC	
Request	Vacation of Alley (RMM-25 and B-1)	
Location	Alley East of South Federal Highway between S.E. 15 Street & S.E. 16 Street, as shown on the attached location map as Exhibit 1 .	
Legal Description	<u>Everglades Land Sales Company's First Addition to Lauderdale.</u> All that portion of the 16 foot Alley located in Block 11, abutting Lots 12 through 19 and the East One-half of Lot 20, and Lots 22 through 29 and the East One-half of Lot 21 of the public records of Dade County, Florida, P.B. 2, P. 15.	
Property Size	6800 s.f. or 0.156 acres	
Zoning	RMM-25 and B-1	
Existing Land Use	Public right-of-way	
Future Land Use Designation	Medium-High Residential and Commercial	
Comprehensive Plan Consistency	Consistent with Future Land Use Element, Objective 2.	
Applicable ULDR Sections	Sec. 47-24.6, Vacation of Right-of-Way	
Notification Requirements	Sign Posting 15 days prior to meeting; Mail Notice 10 days prior to meeting.	
Other Required Approval	City Commission	
Action Required	<ul style="list-style-type: none">• Recommend Approval of the Vacation; or,• Deny the Application.	
Project Planner	Name and Title	Initials
	James Cromar, Planner II	
	Authorized By	
	Greg Brewton, Deputy Planning and Zoning Director	
Approved By	Marc LaFerrier, Planning and Zoning Director	

Request:

The applicant and the surrounding owners of properties adjoining the right-of-way request the vacation of the unimproved alley located between SE 15 Street and SE 16 Street, east of Federal Highway and west of Miami Road. The applicant requests the vacation to incorporate the land for vehicular circulation and landscaping in a proposed residential project.

This request went before the Development Review Committee (DRC) at the November 23, 2004 meeting; the applicant has addressed all comments. On December 21, 2004, the Property and Right-of-Way (PROW) Committee recommended approval subject to the condition that a utility easement be retained over the portion of the vacated alley and that an access easement be retained on Lot 12 for turnaround purposes, with the City Engineer approval of the turnaround (included in plans package).

TECO Peoples Gas, Comcast and FPL indicated that they have existing facilities in the alley and have no objection as long as easements are provided within the vacated alley as needed or the applicant pays for relocations. BellSouth did not indicate that it has existing facilities in the alley, and has no objection as long as easements are provided within the vacated alley as needed or relocations are paid for by the applicant.

Staff Determination:

The applicant has submitted a narrative outlining compliance with the criteria for vacation of rights-of-way as listed in Sec. 47-24.6 (included in plans package).

Staff has determined that the proposed vacation does not meet the criteria for vacation of right-of-way, specifically, Sec 47-24.6.A.4.a. and b. The City has long maintained a policy of not vacating partial alleys. Some of the neighboring property owners did not support the right-of-way vacation, preferring “to maintain access” to their properties through the alley. The request from the PROW Committee for a turnaround indicates that the local residents use the alley even though it is unimproved.

Should the Board approve the proposed vacation, the following conditions are proposed by staff:

1. A utility easement shall be retained within the vacated segment of the alley.
2. If any relocations are required, the full cost shall be borne by the applicant and the relocation plan shall be reviewed and approved by the Engineering Department.
3. An access easement shall be retained on Lot 12 for a turnaround.
4. The applicant shall construct a turnaround on Lot 12, as approved by the City Engineer.
5. Final DRC approval.

Planning and Zoning Board Review Options:

1. *If the Planning and Zoning Board determines that the application meets the criteria for vacation and recommends approval of the vacation, the recommendation shall be forwarded to the City Commission for consideration.*
2. *If the Planning and Zoning Board determines that the criteria have not been met, the board shall deny the application and the procedures for appeal to the city commission as provided in Section 47-26B, Appeals, shall apply.*

Memorandum 29-P-04

March 16, 2005

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